

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ALISHA BREWER,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00810

LELAND DUDEK,

*Acting Commissioner of Social Security,*

Defendant.

**ORDER**

Before the Court is Plaintiff Alisha Brewer's ("Plaintiff") Complaint, (ECF No. 2), and Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1.) By standing order, this matter was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition ("PF&R"). (ECF No. 3.) On January 8, 2025, Magistrate Judge Tinsley filed his PF&R recommending that Plaintiff's request to reverse the Commissioner be denied, Commissioner's request to affirm his decision be granted, Commissioner's final decision be affirmed, and the case be dismissed from the Court's docket. (ECF No. 11.)

This Court is not required to review, de novo or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); see also *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th

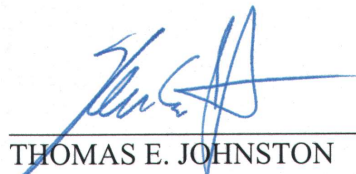
Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on January 22, 2025. (ECF No. 11.) To date, Plaintiff has not filed any objections, thereby waiving de novo review of Magistrate Judge Tinsley’s PF&R. Accordingly, this Court **ADOPTS** the PF&R (ECF No. 11), **DENIES** Plaintiff’s request to reverse the Commissioner’s Decision (ECF No. 8), **GRANTS** the Commissioner’s request to affirm his decision (ECF No. 9), **AFFIRMS** the Commissioner’s final decision, **DISMISSES** the action **WITHOUT PREJUDICE**, and **DENIES AS MOOT** Plaintiff’s Application to Proceed Without Prepayment of Fees and Costs (ECF No 1.)

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 26, 2025

A handwritten signature in blue ink, appearing to read 'Thomas E. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE